

AMENDED IN SENATE APRIL 29, 2004

SENATE BILL

No. 1215

Introduced by Senator Morrow
(Coauthor: Senator Denham)

*(Coauthors: Assembly Members Bates, Dutton, Harman, Houston,
Pacheco, and Wolk)*

February 11, 2004

An act to add Section 712.5 to the Fish and Game Code, relating to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1215, as amended, Morrow. Department of Fish and Game: Public Resources Account.

Under existing law, the Tobacco Tax and Health Protection Act of 1988, as added by Proposition 99, establishes the Cigarette and Tobacco Products Surtax Fund and authorizes moneys in the fund to be appropriated for specified purposes. ~~The fund consists of~~ Existing law establishes 6 separate accounts in that fund, including, among others, the Public Resources Account. Existing law requires the Public Resources Account to ~~only~~ be available for appropriation *only* in equal amounts for both programs to protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat on an equally funded basis and programs to enhance state and local park and recreation resources.

This bill would, *beginning January 1, 2006*, make the Department of Fish and Game the only state agency designated to use the funds made available from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs to protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat. ~~The bill~~

~~would require that any funds not fully expended by the department in any fiscal year be carried over by the department to the next fiscal year.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) California is the winter home to more than 60 percent of the
4 migratory waterfowl of the Pacific Flyway, yet 90 percent of the
5 wetland habitat for these waterfowl is destroyed or adversely
6 impacted.

7 (b) The loss of wetland habitat in California has resulted in a
8 decline in migratory waterfowl populations.

9 (c) The significant loss of this unique habitat type has also
10 resulted in dramatic declines in many other fish and wildlife
11 species and has contributed to the listing of over one-half of
12 California's threatened or endangered species.

13 (d) In 1986, to address the decline of North American
14 waterfowl populations, the federal governments of the United
15 States, Mexico, and Canada agreed to implement the North
16 American Waterfowl Management Plan. When the plan was
17 established, it identified the seven most important waterfowl
18 habitat regions throughout North America that were in greatest
19 need of wetland restoration. California's Central Valley was one
20 of these initial seven priority areas. To carry out the purposes of
21 this plan and address the decline of waterfowl habitat in
22 California's Central Valley, the state and federal resource agencies
23 joined with private conservation groups and established the
24 Central Valley Habitat Joint Venture. More recently, the San
25 Francisco Bay Joint Venture and the Intermountain West Joint
26 Venture were similarly established to address the significant
27 habitat loss in other areas of the state.

28 (e) The California Department of Fish and Game is a partner in
29 each of these joint ventures and is the lead state resource agency
30 in California's wetland and waterfowl conservation effort. The
31 department has the staff expertise and programs in place to best
32 deliver waterfowl conservation for the state.



(f) The Tobacco Tax and Health Protection Act of 1988 was approved by the voters as Proposition 99. Among other things, that act created a Cigarette and Tobacco Products Surtax Fund in the State Treasury. The fund consists of six separate accounts, including the Public Resources Account, which makes funding available in equal amounts to both programs that protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat on an equally funded basis and programs that enhance state and local park and recreation resources.

(g) Because the department has statutory powers relating to protecting, restoring, enhancing, and maintaining fish, waterfowl, and wildlife habitat, the department should be the sole agency to expend funds in the Public Resources Account for programs relating to those purposes.

SEC. 2. Section 712.5 is added to the Fish and Game Code, to read:

712.5. ~~(a) The Beginning January 1, 2006, the~~ department is the only state agency designated to use the funds made available, *pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 30122 of the Revenue and Taxation Code*, from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs to protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat ~~pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 30122 of the Revenue and Taxation Code.~~

~~(b) Any funds not fully expended by the department in any fiscal year shall be carried over by the department to the next fiscal year.~~